

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

118692

FILE: B-207290

DATE: June 15, 1982

MATTER OF: Art Connection Inc.

DIGEST:

A protester's late offer properly was rejected by the contracting agency notwithstanding that it was mailed via Federal Express five calendar days prior to the date specified in the solicitation for receipt, since that is not one of the specific exceptions in the solicitation permitting acceptance of a late offer.

Art Connection Inc. protests the rejection of its offer by the General Services Administration (GSA) under solicitation No. FNM-F6-1191-N-2-1-82. The offer was rejected because it was not received by GSA until after the time set for receipt, 1:30 p.m. on February 1, 1982. We deny the protest.

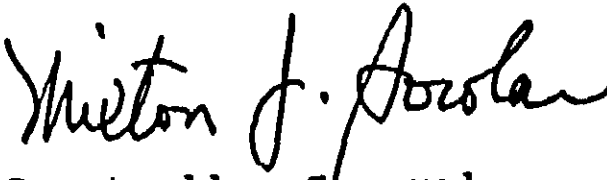
Art Connection contends that its late offer should be considered because it was sent by Federal Express five days prior to the date set for receipt of offers. In this regard, Art Connection points out that the solicitation permits the acceptance of a late offer sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers. Art Connection recognizes that this provision does not specifically include offers sent by Federal Express, but argues that it should be interpreted to cover this situation because the Postal Service limits insurance coverage of slides and photographs to \$500. Art Connection sent its offer by Federal Express because it contained slides and photographs valued at considerably more than that amount.

Our Office consistently has held that an offeror has the responsibility to assure timely arrival of its bid or offer and must bear the responsibility for late arrival unless the specific conditions of the

solicitation are met, Racon Inc., B-199964, September 3, 1980, 80-2 CPD 174. While Art Connection's concern about inadequate insurance coverage is understandable, an offer sent by Federal Express simply does not fall within the exceptions for the consideration of late offers contained in the solicitation. Federal Express is not the equivalent of registered or certified mail for purposes of late acceptance, Berc Inc., B-202615, April 22, 1981, 81-1 CPD 313. By electing to use Federal Express for delivery of its offer, Art Connection thus assumed the risk of late delivery. See Enrico Roman, Inc., B-196350, January 21, 1980, 80-1 CPD 61.

Because the protester's initial submission affirmatively demonstrates that the protest is without legal merit, we have reached our decision without requesting an agency report, Racon Inc., supra.

The protest is denied.

for 
Comptroller General
of the United States